



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION
312 North Spring Street, Room G-8
Los Angeles, CA 90012
Tel: (213) 894-3535

SOUTHERN DIVISION
411 West Fourth Street, Suite 1053
Santa Ana, CA 92701-4516
(714) 338-4750

EASTERN DIVISION
3470 Twelfth Street, Room 134
Riverside, CA 92501
(951) 328-4450

SHERRI R. CARTER
District Court Executive and
Clerk of Court

May 14, 2008

2112 Robert F. Peckham Federal
Bldg and United States Courthouse
280 South First Street
San Jose, CA

FILED

MAY 19 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Re: Transfer to U.S. Magistrate Judge

Case No. ED 08-MJ-192

Case Title: USA v. Omar Carballo-Delgado

Dear Sir/Madam:

Pursuant to Rule 40 of the Federal Rules of Criminal Procedure, enclosed are the following:

- ☒ Certified copy of entire case file.
- ☒ Certified copy of docket sheet
- ☐ Letter re status of property bond
- ☐ Original bond enclosed
 - ☐ Original bond to be forwarded by the Fiscal Section
- ☒ Certified copy of final commitment
- ☐ Original Passport
- ☐ Original Declaration re: Passport
- ☒ Other Not For Public View (NFPV) document enclosed-financial affidavit - GJA Unit-SF

Please acknowledge receipt on the copy of this letter and return to this office.

Sincerely,

Clerk, U.S. District Court

By M. Mead
Deputy Clerk 951-328-4462

cc: U.S. Attorney (Central District of California)
U.S. Attorney (Receiving district)

Receipt of the above described documents is acknowledged herewith and assigned case number:
08-70224-ARL

Clerk, U.S. District Court

MAY 19 2008
Date

By Tiffany Salinas-Harwell
Deputy Clerk

CLOSED

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA (Eastern Division - Riverside)
CRIMINAL DOCKET FOR CASE #: 5:08-mj-00192-DUTY All Defendants

Case title: USA v. Carballo-Delgado

Date Filed: 05/12/2008
Date Terminated: 05/12/2008

Assigned to: Duty Magistrate Judge

Defendant

Omar Carballo-Delgado (1)
TERMINATED: 05/12/2008

represented by **Moina C Shiv**
Federal Public Defender
3801 University Avenue, Suite 150
Riverside, CA 92501
951-276-6348
Email: zzCAC_FPD_Document_Receiving@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Public Defender or Community
Defender Appointment

I hereby attest and certify on 5-14-08
that the foregoing document is a full, true
and correct copy of the original on file in
my office, and in my legal custody.

CLERK, U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

DEPUTY CLERK

0148

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

Defendant in violation of 8:1326

Disposition

Defendant ordered held to answer to the USDC,
Northern District of California at San Jose

Plaintiff

USA

represented by **US Attorney's Office**
AUSA - Office of US Attorney
312 N Spring St, 12th Floor
Los Angeles, CA 90012-4700
213-894-2434
Email: USACAC.Criminal@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/12/2008	1	AFFIDAVIT RE: OUT-OF-DISTRICT WARRANT (Rule 5(c)(3)) filed as to defendant Omar Carballo-Delgado, originating in the Northern District of California. Defendant charged in violation of: 8:1326. Signed by agent Joe Rosas, ICE, Deportation Officer. (mrgo) (Entered:

		05/14/2008)
05/12/2008	2	REPORT COMMENCING CRIMINAL ACTION as to Defendant Omar Carballo-Delgado; defendants Year of Birth: 1965; date of arrest: 5/12/2008. (mrgo) (Entered: 05/14/2008)
05/12/2008	3	Defendant Omar Carballo-Delgado arrested on warrant issued by the USDC Northern District of California at San Jose. (mrgo) (Entered: 05/14/2008)
05/12/2008	4	MINUTES OF ARREST ON OUT OF DISTRICT WARRANT held before Magistrate Judge Oswald Parada as to Defendant Omar Carballo-Delgado Defendant arraigned and states true name is as charged. Attorney: Moina C Shiv for Omar Carballo-Delgado, DFPD, present. Court orders defendant permanently detained. Defendant remanded to the custody or currently in the custody of the US Marshal. Court orders defendant held to answer to Northern District of California. Warrant of Removal and final commitment to issue. Court Smart: RS-3. (mrgo) (Entered: 05/14/2008)
05/12/2008	5	NOTICE OF REQUEST FOR DETENTION filed by Plaintiff USA as to Defendant Omar Carballo-Delgado. (mrgo) (Entered: 05/14/2008)
05/12/2008	6	ORDER OF DETENTION by Magistrate Judge Oswald Parada as to Defendant Omar Carballo-Delgado. (mrgo) (Entered: 05/14/2008)
05/12/2008	7	WAIVER OF RIGHTS approved by Magistrate Judge Oswald Parada as to Defendant Omar Carballo-Delgado. (mrgo) (Entered: 05/14/2008)
05/12/2008	8	FINANCIAL AFFIDAVIT filed as to Defendant Omar Carballo-Delgado. (mrgo) (Entered: 05/14/2008)
05/12/2008	9	WARRANT OF REMOVAL AND COMMITMENT by Magistrate Judge Oswald Parada that Defendant Omar Carballo-Delgado be removed to the Northern District of California at San Jose. (Attachments: # 1 Letter CR-48) (mrgo) (Entered: 05/14/2008)
05/12/2008	10	(AMENDED) WARRANT OF REMOVAL AND COMMITMENT by Magistrate Judge Oswald Parada that Defendant Omar Carballo-Delgado be removed to the Northern District of California at San Jose. (mrgo) (Entered: 05/14/2008)

PACER Service Center			
Transaction Receipt			
05/14/2008 13:34:49			
PACER Login:	us3877	Client Code:	
Description:	Docket Report	Search Criteria:	5:08-mj-00192-DUTY
Billable Pages:	2	Cost:	0.16

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

Plaintiff(s),

Case Number: 5:08-MJ-00192-1

vs.

Omar Carballo-Delgado

Defendant(s).

**FINAL COMMITMENT AND WARRANT OF
REMOVAL**

NORTHERN District of CALIFORNIA
at SACRAMENTO
(City)

To: United States Marshal for the Central District of California

AMENDED

The above-named defendant is hereby remanded to your custody and you are hereby ORDERED to remove him/her forthwith, along with a certified copy of this Commitment, to the custodian of a place of confinement within the District of Origin, approved by the Attorney General of the United States, where the defendant shall be received and safely kept until discharged in due course of law.

This defendant was arrested in this District after:

- ☒ filing of a complaint before a U.S. Magistrate Judge
- ☒ a bench warrant issued by a U.S. District Judge/Magistrate Judge/Clerk from the District of Origin charging that on or about May 22, 2007, in the District of Origin, the defendant did:
Unlawfully re-entered the United States after Deportation in violation of Title(s) 8 U.S.C., Section(s) 1326

The defendant has now:

- ☒ duly waived identity hearing before me on 5/12/08.
- ☒ duly waived preliminary examination before me on 5/12/08.
- ☒ No bail has been set.
- ☒ Permanent detention has been ordered.

5/12/08

Oswald Parada

Date

United States Magistrate Judge



RETURN

Received this commitment and designated prisoner on _____, and on _____, committed him to _____ and left with the custodian at the same time a certified copy of the within temporary commitment.

United States Marshal, Central District of California

Date

I hereby attest and certify on 5-14-08
that the foregoing document is a full, true
and correct copy of the original on file in
my office, and in my legal custody.

Deputy

M-15 (08/99)

CLERK, U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

DEPUTY CLERK

0148

FINAL COMMITMENT AND WARRANT OF REMOVAL

Page 1 of 1

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

Plaintiff(s),

Case Number: 5:08-MJ-00192-1

vs.

Omar Carballo-Delgado

Defendant(s).

**FINAL COMMITMENT AND WARRANT OF
REMOVAL**

NORTHERN District of CALIFORNIA
at SAN JOSE
(City)

To: United States Marshal for the Central District of California

The above-named defendant is hereby remanded to your custody and you are hereby ORDERED to remove him/her forthwith, along with a certified copy of this Commitment, to the custodian of a place of confinement within the District of Origin, approved by the Attorney General of the United States, where the defendant shall be received and safely kept until discharged in due course of law.

This defendant was arrested in this District after:

- ☒ filing of a complaint before a U.S. Magistrate Judge
- ☒ a bench warrant issued by a U.S. District Judge/Magistrate Judge/Clerk from the District of Origin charging that on or about May 22, 2007, in the District of Origin, the defendant did:
Unlawfully re-entered the United States after Deportation in violation of Title(s) 8 U.S.C., Section(s) 1326

The defendant has now:

- ☒ duly waived identity hearing before me on 5/12/08.
- ☒ duly waived preliminary examination before me on 5/12/08.
- ☒ No bail has been set.
- ☒ Permanent detention has been ordered.

5/12/08

Oswald Parada

Date

United States Magistrate Judge

RETURN

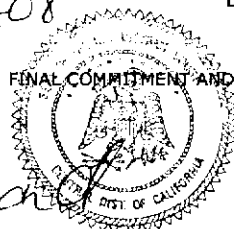
Received this commitment and designated prisoner on _____, and on _____, committed him to _____ and left with the custodian at the same time a certified copy of the within temporary commitment.

United States Marshal, Central District of California

Date

Deputy

I hereby attest and certify on 5-14-08
that the foregoing document is a full, true
and correct copy of the original on file in
my office, and in my legal custody.



CLERK, U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

DEPUTY CLERK

0148

FINAL COMMITMENT AND WARRANT OF REMOVAL

Page 1 of 1

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA		FILED CLERK, U.S. DISTRICT COURT <div style="border: 1px solid black; padding: 5px; margin: 5px 0;">MAY 12 2008</div> CENTRAL DISTRICT OF CALIFORNIA EASTERN DIVISION BY DEPUTY
UNITED STATES OF AMERICA, v. <i>Omar Corballo - Orfado</i> DEFENDANT.	CASE NUMBER: <i>ED08-192M</i>	
WAIVER OF RIGHTS (OUT OF DISTRICT CASES)		

I understand that charges are pending in the Northern District of California alleging violation of § 1326 and that I have been arrested in this district and taken before a United States Magistrate Judge, who has informed me of the charge(s) and my rights to:

- (1) have an identity hearing to determine whether I am the person named in the charges;
- (2) receive a copy of the charge(s) against me;

-Check one only-

☒ **EXCLUDING PROBATION OR SUPERVISED RELEASE CASES:**

- (3) have a preliminary examination (unless an indictment has been returned or an information filed) to determine whether there is probable cause to believe an offense has been committed by me, the hearing to be held in this district or the district of prosecution; and
- (4) request transfer of the proceedings to this district under Rule 20, Fed.R.Crim.P., in order to plead guilty.

☐ **PROBATION OR SUPERVISED RELEASE CASES:**

- (3) have a preliminary hearing (if the violation charged allegedly occurred in this district, and I am held in custody solely on that charge) under Rule 32.1(b), Fed.R.Crim.P., to determine whether there is probable cause to believe I have violated the terms of my probation/supervised release.

I HEREBY WAIVE (GIVE UP) MY RIGHT(S) TO:

- ☒ have an identity hearing
- ☒ receive a copy of the charges(s) against me
- ☒ have a preliminary examination
- ☐ have an identity hearing, and I have been informed that I have no right to a preliminary examination
- ☐ have an identity hearing, but I request that a preliminary examination be held in the prosecuting district

I hereby attest and certify on 5-14-08 that the foregoing document is a full, true and correct copy of the original on file in my office, and in my legal custody.

CLERK, U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

DEPUTY CLERK

0148

Omar Corballo - Orfado
Defendant

Umarom
Defense Counsel

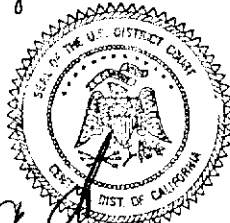
Date: 5/12/08

[Signature]
United States Magistrate Judge

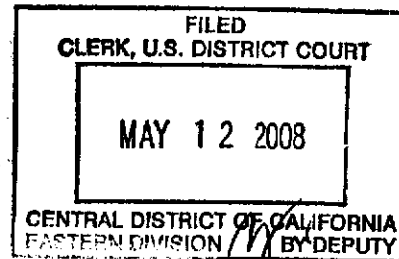
1 I hereby attest and certify on 5-14-08
 2 that the foregoing document is a full, true
 3 and correct copy of the original on file in
 4 my office, and in my legal custody.

5 CLERK, U.S. DISTRICT COURT
 6 CENTRAL DISTRICT OF CALIFORNIA

7 DEPUTY CLERK



0148



8 UNITED STATES DISTRICT COURT
 9 CENTRAL DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,
 11 Plaintiff,

12 v.

13 Omar Carballo Delgado,
 14 Defendant.

Case No.: ED08-192-M

ORDER OF DETENTION

16 On motion by the government for pre-trial detention, the Court finds that no
 17 condition or combination of conditions will reasonably assure the appearance of
 18 defendant as required ~~(or the safety of any person or the community)~~

19 The Court has considered the nature and circumstances of the offense(s); the
 20 weight of evidence against the defendant; the history and characteristics of the
 21 defendant; and the nature and seriousness of the danger to any person or the
 22 community.

23 The Court bases the foregoing findings on the defendant's non-objection to pre-
 24 trial detention and the Pretrial Services Report/Recommendation. ~~(The defendant also~~
 25 ~~has not rebutted the presumption provided by statute.)~~

26 IT IS THEREFORE ORDERED that defendant be detained without prejudice prior
 27 to ~~trial/revocation hearing.~~
 28

ORDER OF DETENTION

1 IT IS FURTHER ORDERED that defendant be committed to the custody of the
2 Attorney General for confinement in a corrections facility separate, to the extent
3 practicable, from persons awaiting or serving sentences or being held in custody
4 pending appeal; that defendant be afforded reasonable opportunity for private
5 consultation with counsel; and that, on order of a Court of the United States or on
6 request of any attorney for the government, the person in charge of the corrections
7 facility in which defendant is confined deliver defendant to a United States Marshal
8 for the purpose of any appearance in connection with a Court proceeding. This order
9 is made without prejudice to reconsideration.

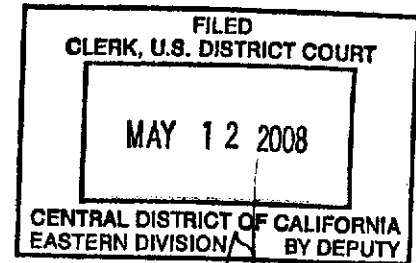
10
11 Dated: 5/12/08


HONORABLE OSWALD PARADA
United States Magistrate Judge

ORIGINAL

THOMAS P. O'BRIEN
 United States Attorney
 SHERI PYM
 Assistant United States Attorney
 Chief, Riverside Branch Office
 DOROTHY R. MCLAUGHLIN (Cal. No. 229453)
 Assistant United States Attorney
 3880 Lemon Street, Suite 210
 Riverside, California 92501
 Telephone: (951) 276-6222
 Facsimile: (951) 276-6237
 Email: dorothy.mclaughlin@usdoj.gov

Attorneys for Plaintiff
 United States of America



UNITED STATES DISTRICT COURT
 FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
 Plaintiff,

v.

OMAR ELKIN DE JESUS MUNOZ-
 MADRID,
 Defendant.

Case No. E008-192M

GOVERNMENT'S NOTICE OF REQUEST
 FOR DETENTION

I hereby attest and certify on 5-14-08
 that the foregoing document is a full, true
 and correct copy of the original on file in
 my office, and in my legal custody.

CLERK, U.S. DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA
 DEPUTY CLERK



Plaintiff, United States of America, by and through its
 counsel of record, hereby requests detention of defendant and gives
 notice of the following material factors:

1. Temporary 10-day Detention Requested (§ 3142(d))

on the following grounds:

- a. offense committed while defendant was on release
 pending (felony trial), (sentencing) (appeal) or
 on (probation) (parole);
- b. alien not lawfully admitted for permanent
 residence;

1 ___ c. flight risk;

2 ___ d. danger to community.

3 X 2. Pretrial Detention Requested (§ 3142(e)) because no
4 condition or combination of conditions will
5 reasonably assure against:

6 X a. danger to any other person or the community;

7 X b. flight.

8 ___ 3. Detention Requested Pending Supervised
9 Release/Probation Revocation Hearing (Rules
10 32.1(a)(6), 46(d), and 18 U.S.C. § 3143(a)):

11 ___ a. Defendant cannot establish by clear and
12 convincing evidence that he/she will not pose a
13 danger to any other person or to the community;

14 ___ b. Defendant cannot establish by clear and
15 convincing evidence that he/she will not flee.

16 X 4. Presumptions Applicable to Pretrial Detention (18
17 U.S.C. § 3142(e)):

18 X a. Title 21 or Maritime Drug Law Enforcement Act
19 ("MDLEA") (46 U.S.C. App. 1901 et seq.) offense
20 with 10-year or greater maximum penalty
21 (presumption of danger to community and flight
22 risk);

23 ___ b. offense under 18 U.S.C. § 924(c) (firearm
24 used/carried/possessed during/in relation to/in
25 furtherance of crime), § 956(a), or § 2332b
26 (presumption of danger to community and flight
27 risk);
28

1 ___ c. offense involving a minor victim under 18 U.S.C.
2 §§ 1201, 1591, 2241, 2242, 2244(a)(1), 2245,
3 2251, 2251A, 2252(a)(1)-(a)(3), 2252A(a)(1)-
4 2252A(a)(4), 2260, 2421, 2422, 2423 or 2425
5 (presumption of danger to community and flight
6 risk);

7 ___ d. defendant currently charged with (I) crime of
8 violence, (II) offense with maximum sentence of
9 life imprisonment or death, (III) Title 21 or
10 MDLEA offense with 10-year or greater maximum
11 sentence, or (IV) any felony if defendant
12 previously convicted of two or more offenses
13 described in I, II, or III, or two or more state
14 or local offenses that would qualify under I, II,
15 or III if federal jurisdiction were present, or a
16 combination of such offenses, AND defendant was
17 previously convicted of a crime listed in I, II,
18 or III committed while on release pending trial,
19 AND the current offense was committed within five
20 years of conviction or release from prison on the
21 above-described previous conviction (presumption
22 of danger to community).

23 X

24 5. Government Is Entitled to Detention Hearing
25 Under § 3142(f) If the Case Involves:

26 ___ a. a crime of violence (as defined in 18 U.S.C.
27 § 3156(a)(4)) or Federal crime of terrorism (as
28 defined in 18 U.S.C. § 2332b(g)(5)(B)) for which

1 maximum sentence is 10 years' imprisonment or
2 more;

3 ☐ b. an offense for which maximum sentence is life
4 imprisonment or death;

5 ☒ c. Title 21 or MDLEA offense for which maximum
6 sentence is 10 years' imprisonment or more;

7 ☐ d. instant offense is a felony and defendant has two
8 or more convictions for a crime set forth in a-c
9 above or for an offense under state or local law
10 that would qualify under a, b, or c if federal
11 jurisdiction were present, or a combination or
12 such offenses;

13 ☐ e. any felony not otherwise a crime of violence that
14 involves a minor victim or the possession or use
15 of a firearm or destructive device (as defined in
16 18 U.S.C. § 921), or any other dangerous weapon,
17 or involves a failure to register under 18 U.S.C.
18 § 2250;

19 ☒ f. serious risk defendant will flee;

20 ☐ g. serious risk defendant will (obstruct or attempt
21 to obstruct justice) or (threaten, injure, or
22 intimidate prospective witness or juror, or
23 attempt to do so).

24 ☐ 6. Government requests continuance of _____ days for
25 detention hearing under § 3142(f) and based upon the
26 following reason(s):
27 _____
28 _____

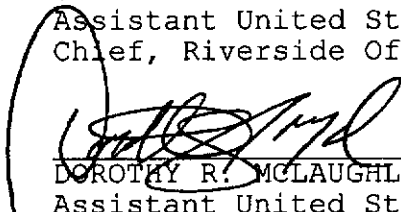
7. Good cause for continuance in excess of three days exists in that:

DATED: May 12, 2008.

Respectfully submitted,

THOMAS P. O'BRIEN
United States Attorney

SHERI PYM
Assistant United States Attorney
Chief, Riverside Office



DOROTHY R. MCLAUGHLIN
Assistant United States Attorney

Attorneys for Plaintiff
UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

Eastern Division

vs.

Case Number: 5:08-MJ-00192-1
Initial App. Date: 05/12/2008Out of District Affidavit
Initial App. Time: 1:30 PM

Omar Carballo-Delgado

Defendant.

Date Filed:
Violation: 8USC1326
CourtSmart: RS-3PROCEEDINGS HELD BEFORE UNITED STATES
MAGISTRATE JUDGE: Oswald ParadaCALENDAR/PROCEEDINGS SHEET
LOCAL/OUT-OF-DISTRICT CASE

PRESENT:

Maynor Galvez

Deputy Clerk

D. McLaughlin
Assistant U.S. AttorneySpanish
Jennifer De la Cruz
Interpreter/Language☒ Defendant informed of charge and right to: remain silent; appointment of counsel, if indigent; right to bail; bail review and☒ preliminary hearing OR ☐ removal hearing / Rule 20.☒ Defendant states true name ☒ is as charged ☐ is _____☒ Defendant advised of consequences of false statement in financial affidavit. ☐ Financial Affidavit ordered SEALED.☒ Attorney: Moira Shiv, DFPD ☒ Appointed ☐ Prev. Appointed ☐ Poss. Contribution (see separate order)☐ Special appearance by: _____☒ Government's request for detention is: ☒ GRANTED ☐ DENIED ☐ WITHDRAWN ☐ CONTINUED☒ Defendant is ordered: ☒ Permanently Detained ☐ Temporarily Detained (see separate order).☐ BAIL FIXED AT \$ _____ (SEE ATTACHED COPY OF CR-1 BOND FORM FOR CONDITIONS)☐ Government moves to UNSEAL Complaint/Indictment/Information/Entire Case: ☐ GRANTED ☐ DENIED☐ Preliminary Hearing waived.☐ Class B Misdemeanor ☐ Defendant is advised of maximum penalties☐ This case is assigned to Magistrate Judge _____. Counsel are directed to contact the clerk for the setting of all further proceedings.☐ PO/PSA WARRANT ☐ Counsel are directed to contact the clerk for
District Judge _____ for the setting of further proceedings.☐ Preliminary Hearing set for _____ at 4:30 PM☐ PIA set for: _____ at 8:30 AM in LA; at 3:00 PM in Riverside; at 10:00 AM in Santa Ana☐ Government's motion to dismiss case/defendant _____ only: ☐ GRANTED ☐ DENIED☐ Defendant's motion to dismiss for lack of probable cause: ☐ GRANTED ☐ DENIED☒ Defendant executed Waiver of Rights. ☐ Process received.☒ Court ORDERS defendant Held to Answer to Northern District of California @ San Jose☐ Bond to transfer, if bail is posted. Defendant to report on or before _____☒ Warrant of removal and final commitment to issue.☐ Warrant of removal and final commitment are ordered stayed until _____☐ Case continued to (Date) _____ (Time) _____ AM / PM

Type of Hearing: _____ Before Judge _____ /Duty Magistrate Judge.

Proceedings will be held in the ☐ Duty Courtroom ☐ Judge's Courtroom☒ Defendant committed to the custody of the U.S. Marshal ☐ Summons: Defendant ordered to report to USM for processing.☐ Abstract of Court Proceeding (CR-53) issued. Copy forwarded to USM.☐ Abstract of Order to Return Defendant to Court on Next Court Day (M-20) issued. Original forwarded to USM.☐ RELEASE ORDER NO: _____☐ Other: _____

I hereby attest and certify that the foregoing document is a full, true and correct copy of the original on file in my office, and in my legal custody.

☒ FINANCIAL☒ READYDeputy Clerk Initials: Y
10

M-5 (03/07)

CLERK, U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CALENDAR/PROCEEDINGS SHEET - LOCAL/OUT-OF-DISTRICT CASE

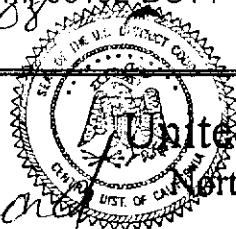
Page 1 of 1

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my office, and in my legal custody.

CLERK, U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

DEPUTY CLERK

UNITED STATES OF AMERICA, 9148



United States District Court
Northern District of California

E-FILING

EX-08-192M

v.

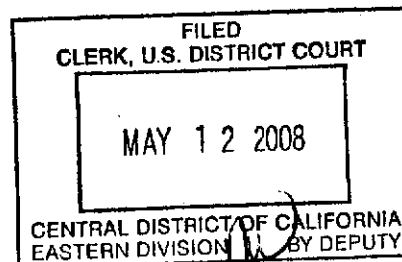
Omar CARBALLO-Delgado

WARRANT FOR ARREST

08-70224 E-FILING

CASE NUMBER:

To: The United States Marshal
and any Authorized United States Officer



YOU ARE HEREBY COMMANDED to arrest Omar CARBALLO-Delgado and bring him or her
forthwith to the nearest magistrate judge to answer a(n)

☐ Indictment ☐ Information ☒ Complaint
☐ Order of Court ☐ Violation Notice ☐ Probation Violation Petition

charging him or her with

unlawfully re-entering and being found in the United States after deportation, without the permission of
the Attorney General,

in violation of Title 8 United States Code, Section(s) 1326.

Howard R. Lloyd
Name of Issuing Officer

U.S. Magistrate Judge
Title of Issuing Officer

[Signature]
Signature of Issuing Officer

April 15, 2008, San Jose, CA
Date and Location

Bail fixed at: no bail

by Howard R. Lloyd
Name of Judicial Officer

RECEIVED
2008 APR 15 PM 2:17
NORTH DISTRICT
OF CALIFORNIA

RETURN	
This warrant was received and executed with the arrest of the above-named <u>ORIGINAL WARRANT HELD BY</u>	
<u>U.S. MARSHALS, SAN JOSE</u>	
Date received	Name and Title of Arresting Officer <u>NOTIFY ABOVE OFFICE UPON ARREST</u>
Date of Arrest	<u>DO NOT MAKE RETURN ON THIS COPY</u>

United States District Court

NORTHERN

DISTRICT OF

CALIFORNIA

UNITED STATES OF AMERICA

V.

Omar CARBALLO-Delgado
(Name and Address of Defendant)

E-FILING

RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CA. S. I.

CRIMINAL COMPLAINT

08-70224 - HE

CASE NUMBER:

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On a date unknown but no later than, May 22, 2007, in Monterey County in the Northern District of California defendant(s) WAS, (Track Statutory Language of Offense)

Unlawfully re-entered and was found in the United States after deportation, without the permission of the Attorney General

in violation of Title 8 United States Code, Section(s) 1326
I further state that I am a(n) Deportation Officer and that this complaint is based on the following facts:
Official Title

SEE ATTACHED AFFIDAVIT

PENALTIES: \$250,000.00 fine, twenty (20) years imprisonment, \$100.00 special assessment fee, and a Term of Supervised Release up to three years.

Requested bail: Issue no bail warrant.

APPROVED AS TO FORM:

ASSISTANT UNITED STATES ATTORNEY

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Sworn to before me and subscribed in my presence,

Signature of Complainant

4/15/08
Date

at

San Jose, California
City and StateHoward R. Lloyd
United States Magistrate Judge
Name & Title of Judicial Officer

Signature of Judicial Officer

RE: CARBALLO-Delgado, Omar A70 063 368

I am a Deportation Officer of the United States Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE) and have been employed since July 7, 1997. I am currently assigned to the Criminal Alien Program (CAP) Unit of the San Jose Sub-Office. In such capacity, I have reviewed the official file relating to the above named individual, which attests to the following:

- (1) Mr. CARBALLO-Delgado is a 42-year-old male who has used seventeen (17) aliases and eight (8) dates of birth in the past.
- (2) Mr. CARBALLO-Delgado has been assigned two (2) Alien Registration numbers of A70 063 368 and A70 051 553, FBI number of 720430MA9, California Criminal Information Index number of A09591071, and a California Department of Corrections number F48847.
- (3) Mr. CARBALLO-Delgado is a native of Mexico and a citizen of Mexico since birth. A check through official records shows that he was arrested and deported on seven (7) occasions from the United States:

<u>DATE</u>	<u>PLACE OF DEPORTATION</u>
August 6, 1993	Calexico, CA
March 9, 1996	Calexico, CA
January 6, 1997	Calexico, CA
November 18, 1998	Calexico, CA
May 22, 1999	San Ysidro, CA
December 8, 2004	San Ysidro, CA
June 16, 2005	San Ysidro, CA

- (4) Mr. CARBALLO-Delgado last entered the United States at or near San Ysidro, CA on or after June 16, 2005, by crossing the international border without inspection subsequent to deportation.
- (5) Mr. CARBALLO-Delgado on a date unknown, but no later than May 22, 2007, in Monterey County in the Northern District of California, was found to be unlawfully present in the United States, after prior arrests and deportations, without the permission of the Attorney General or the Secretary of Homeland Security, in violation of Title 8, United States Code, Section 1326. On May 22, 2007, Mr. CARBALLO-Delgado was interviewed by Immigration Enforcement Agent (IEA) John Ramirez at the CTF-Soledad Prison, Soledad, CA, and during that interview, Mr. CARBALLO-Delgado was advised of his Miranda rights in English. Mr. CARBALLO-Delgado waived his Miranda rights and provided a written sworn statement attesting to his alienage, prior deportation, and failure to obtain permission from the Attorney General or the Secretary of Homeland Security to re-enter the United States.

RE: CARBALLO-Delgado, Omar A70 063 368

- (6) Mr. CARBALLO-Delgado was, on June 23, 1992, convicted in the Superior Court of California, in and for the County of Orange, for the offense of POSSESSION NARCOTIC CONTROLLED SUBSTANCE, a felony, in violation of Section 11350(a) of the California Health and Safety Code, and was sentenced to ninety (90) days in jail.
- (7) Mr. CARBALLO-Delgado was, on September 17, 1992, convicted in the Superior Court of California, in and for the County of Orange, for the offense of POSSESSION OF NARCOTIC CONTROLLED SUBSTANCE, a felony, in violation of Section 11350(a) of the California Health and Safety Code, and was sentenced to sixteen (16) months in prison.
- (8) Mr. CARBALLO-Delgado was, on March 1, 1999, convicted in the Superior Court of California, in and for the County of Orange, for the offense of ASSAULT WITH A DEADLY WEAPON, a felony, in violation of Section 245(a)(1) of the California Penal Code, and was sentenced to one hundred eighty (180) days in jail.
- (9) Mr. CARBALLO-Delgado was, on November 17, 2000, convicted in the Superior Court of California, in and for the County of Orange, for the offense of POSSESSION NARCOTIC CONTROLLED SUBSTANCE, a felony, in violation of Section 11350(a) of the California Health and Safety Code, and was sentenced to two (2) years in prison.
- (10) Mr. CARBALLO-Delgado was, on January 3, 2006, convicted in the Superior Court of California in and for the County of Orange, for the offense of POSSESSION NARCOTIC CONTROLLED SUBSTANCE, a felony, in violation of Section 11350(a) of the California Health and Safety Code, and was sentenced to two (2) years in prison.
- (11) On the basis of the above information, there is probable cause to believe that Mr. CARBALLO-Delgado illegally re-entered the United States, in violation of Title 8, United States Code, Section 1326.



Trong Q. Nguyen
Deportation Officer
Immigration and Customs Enforcement

Subscribed and sworn to before me this 15 day of April, 2008



HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE

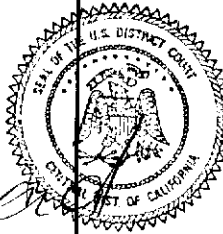
*Enter
Sponsor
needed*

FILED

51408
I hereby attest and certify on _____
that the foregoing document is a full, true
and correct copy of the original on file in
my office, and in my legal custody.

CLERK, U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

DEPUTY CLERK



0148

2008 MAY 12 AM 11:40

CLERK, U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
RIVERSIDE

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

PLAINTIFF

v.

OMAR CARBALLO-DELGADO

DEFENDANT(S).

CASE NUMBER

ED 08-192 M

REPORT COMMENCING CRIMINAL
ACTION

TO: CLERK'S OFFICE, U. S. DISTRICT COURT

All items are to be completed. Information not applicable or unknown will be indicated as "N/A".

1. Date and time of arrest 5/12/2008 @ 1000 ☒ AM / ☐ PM
2. Charges under which defendant has been booked at Metropolitan Detention Center (MDC):
8 USC 1326, RE-ENTRY AFTER DEPORTATION
3. Offense charged is a: ☒ Felony ☐ Minor Offense ☐ Petty Offense ☐ Other Misdemeanor
4. U.S. Citizen: ☐ Yes ☒ No ☐ Unknown
5. Year of Birth: 1965
6. The defendant is: ☒ Presently in custody on this charge.
☐ At liberty on bond posted before a Magistrate Judge.
☐ At liberty and warrant is requested.
☐ Federal - In custody on another conviction.
☐ State - In custody awaiting trial on these charges.
7. Place of detention (if out-of-district): _____
8. Date detainer placed on defendant: _____
9. This is a reprosecution of previously dismissed charges. (Docket/Case No. _____)
10. Name of Pretrial Services Officer: Pam Pozo
11. Remarks (if any): _____
12. Date: 5/12/2008
13. Signature: [Signature]
14. Name: BRIAN SZEMES
15. Title: DEPORTATION OFFICER

I hereby attest and certify on 5-14-08
that the foregoing document is a full, true
and correct copy of the original on file in
my office, and in my legal custody.

CLERK, U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

DEPUTY CLERK

0148



FILED

2008 MAY 12 PM 12:08

CLERK, U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
RIVERSIDE

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

USA

PLAINTIFF(S)

v.

Omar Carballo-Delgado

DEFENDANT(S)

CASE NUMBER

50 08-192 M

AFFIDAVIT RE
OUT-OF-DISTRICT WARRANT

The above-named defendant was charged by: 8 USC 1326
in the United States District of Northern California on May 12, 2008
at 10:00 ☒ a.m. / ☐ p.m. The offense was allegedly committed on or about
in violation of Title _____ U.S.C., Section(s) _____
to wit: _____

A warrant for defendant's arrest was issued by: _____

Bond of \$ _____ was ☐ set / ☐ recommended.

Type of Bond:

Relevant document(s) on hand (attach):

Affirmed
I swear that the foregoing is true and correct to the best of my knowledge.

Affirmed
Sworn to before me, and subscribed in my presence on 5-12-08, by

L Adm **SEAL**, Deputy Clerk.

Signature of Agent

Print Name of Agent

Agency

Title

